

**IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

Michele L. Rafferty, <i>et al.</i> ,	:	Case No. 4:16CV00430
Plaintiffs,	:	Judge Benita Pearson
v.	:	
Trumbull County, Ohio, <i>et al.</i> ,	:	<b><i>Jury Demand Endorsed Hereon</i></b>
Defendants.	:	

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**ANSWER OF DEFENDANT CHARLES DRENNEN TO PLAINTIFFS' FIRST  
AMENDED COMPLAINT**

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Now comes Defendant Charles Drennen, and for his answer to Plaintiffs' First Amended Complaint herein states as follows:

1. The answering Defendant denies the allegations contained in paragraph 1 of Plaintiffs' First Amended Complaint.
2. The answering Defendant denies the allegations contained in paragraph 2 of Plaintiffs' First Amended Complaint.
3. The answering Defendant denies each and every allegation contained in paragraph 3 of Plaintiffs' First Amended Complaint.
4. As to paragraph 4 of Plaintiffs' First Amended Complaint, the answering Defendant avers that the allegations state legal conclusions to which no response is required. To the extent a response is required, the answering Defendant denies the allegations contained in paragraph 4 of Plaintiffs' First Amended Complaint.

5. As to paragraph 5 of Plaintiffs' First Amended Complaint, the answering Defendant avers that the allegations state legal conclusions to which no response is required. To the extent a response is required, the answering Defendant denies the allegations contained in paragraph 5 of Plaintiffs' First Amended Complaint.

6. As to paragraph 6 of Plaintiffs' First Amended Complaint, the answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations and on that basis denies the allegations contained in paragraph 6 of Plaintiffs' First Amended Complaint.

7. As to paragraph 7 of Plaintiffs' First Amended Complaint, the answering Defendant avers that the allegations state legal conclusions to which no response is required. To the extent a response is required, the answering Defendant denies the allegations contained in paragraph 7 of Plaintiffs' First Amended Complaint.

8. The answering Defendant denies each and every allegation contained in paragraph 8 of Plaintiffs' First Amended Complaint not specifically admitted herein as true.

9. The answering Defendant denies for want of knowledge the allegations contained in paragraph 9 of Plaintiffs' First Amended Complaint.

10. The answering Defendant denies for want of knowledge the allegations contained in paragraph 10 of Plaintiffs' First Amended Complaint.

11. As to paragraph 11 of Plaintiffs' First Amended Complaint, the answering Defendant admits that Trumbull County is a political subdivision of the State of Ohio and is governed by a Board of Commissioners, in accordance with Ohio law. Further answering, the Defendant admits that Frank Fuda, Mauro Cantalamessa, and Daniel Polivka are the duly elected

County Commissioners. The answering Defendant denies each and every allegation contained in paragraph 11 of Plaintiffs' First Amended Complaint not specifically admitted herein as true.

12. As to paragraph 12 of Plaintiffs' First Amended Complaint, the answering Defendant admits that the duly elected County Commissioners acted pursuant to the power and authority vested in them by Ohio law. The answering Defendant denies the remaining allegations contained in paragraph 12 of Plaintiffs' First Amended Complaint.

13. The answering Defendant denies the allegations contained in paragraph 13 of Plaintiffs' First Amended Complaint.

14. As to paragraph 14 of Plaintiffs' First Amended Complaint, the answering Defendant admits that Thomas Altieri is the duly elected Sheriff of Trumbull County and that certain powers are vested in Sheriff Altieri under Ohio law. The answering Defendant denies the remaining allegations contained in paragraph 14 of Plaintiffs' First Amended Complaint.

15. As to paragraph 15 of Plaintiffs' First Amended Complaint, the answering Defendant admits that Eric Shay is a Lieutenant employed by the Trumbull County Sheriff's Office. Further answering, the Defendant admits that Lt. Shay is a supervisor in the Trumbull County Jail. The answering Defendant denies the remaining allegations contained in paragraph 15 of Plaintiffs' First Amended Complaint.

16. As to paragraph 16 of Plaintiffs' First Amended Complaint, the answering Defendant admits that he is married with two children and was employed as a corrections officer at the Trumbull County Jail by the Trumbull County Sheriff's Office from July 2010 – May 2014. Further answering, the Defendant admits that, among his various job duties at the Trumbull County Jail, he was assigned to work in the female pod. The answering Defendant denies the remaining allegations contained in paragraph 16 of Plaintiff's First Amended Complaint.



17. The answering Defendant denies for want of knowledge the allegations contained in paragraph 17 of Plaintiffs' First Amended Complaint.

18. The answering Defendant denies for want of knowledge the allegations contained in paragraph 18 of Plaintiffs' First Amended Complaint.

19. The answering Defendant denies each and every allegation contained in paragraph 19 of Plaintiffs' First Amended Complaint not specifically admitted herein as true.

20. As to paragraph 20 of Plaintiffs' First Amended Complaint, the answering Defendant admits that Plaintiff Rafferty was incarcerated as an inmate in the Trumbull County Jail during Defendant's period of employment at the jail. Further answering, the Defendant denies the remaining allegations contained in paragraph 20 of Plaintiffs' First Amended Complaint.

21. As to paragraph 21 of Plaintiffs' First Amended Complaint, the answering Defendant admits that Plaintiff Sherman was incarcerated as an inmate in the Trumbull County Jail during Defendant's period of employment at the jail. Further answering, the Defendant denies the remaining allegations contained in paragraph 21 of Plaintiffs' First Amended Complaint.

22. As to paragraph 22 of Plaintiffs' First Amended Complaint, the answering Defendant admits that, among his various job duties at the Trumbull County Jail, he was assigned to work in the female pod. The answering Defendant also admits that his shifts at the Trumbull County Jail were often from 11:00P.M. – 7:00A.M. Further answering, the Defendant denies the remaining allegations contained in paragraph 22 of Plaintiffs' First Amended Complaint.

23. The answering Defendant denies the allegations contained in paragraph 23 of Plaintiffs' First Amended Complaint.

24. The answering Defendant denies the allegations contained in paragraph 24 of Plaintiffs' First Amended Complaint.

25. The answering Defendant denies the allegations contained in paragraph 25 of Plaintiffs' First Amended Complaint.

26. The answering Defendant denies the allegations contained in paragraph 26 of Plaintiffs' First Amended Complaint.

27. The answering Defendant denies the allegations contained in paragraph 27 of Plaintiffs' First Amended Complaint.

28. The answering Defendant denies the allegations contained in paragraph 28 of Plaintiffs' First Amended Complaint.

29. The answering Defendant denies the allegations contained in paragraph 29 of Plaintiffs' First Amended Complaint.

30. The answering Defendant denies for want of knowledge the allegations contained in paragraph 30 of Plaintiffs' First Amended Complaint.

31. The answering Defendant denies the allegations contained in paragraph 31 of Plaintiffs' First Amended Complaint.

32. The answering Defendant denies the allegations contained in paragraph 32 of Plaintiffs' First Amended Complaint.

33. The answering Defendant denies the allegations contained in paragraph 33 of Plaintiffs' First Amended Complaint.

34. The answering Defendant denies the allegations contained in paragraph 34 of Plaintiffs' First Amended Complaint.

35. The answering Defendant denies the allegations contained in paragraph 35 of Plaintiffs' First Amended Complaint.

36. The answering Defendant denies the allegations contained in paragraph 36 of Plaintiffs' First Amended Complaint.

37. The answering Defendant denies the allegations contained in paragraph 37 of Plaintiffs' First Amended Complaint.

38. The answering Defendant denies the allegations contained in paragraph 38 of Plaintiffs' First Amended Complaint.

39. As to paragraph 39 of Plaintiffs' First Amended Complaint, the answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations and on that basis denies the allegations contained in paragraph 39 of Plaintiffs' First Amended Complaint.

40. The answering Defendant denies the allegations contained in paragraph 40 of Plaintiffs' First Amended Complaint.

41. The answering Defendant denies the allegations contained in paragraph 41 of Plaintiffs' First Amended Complaint.

42. As to paragraph 42 of Plaintiffs' First Amended Complaint, the answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations and on that basis denies the allegations contained in paragraph 42 of Plaintiffs' First Amended Complaint.

43. As to paragraph 43 of Plaintiffs' First Amended Complaint, the answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations and on that basis denies the allegations contained in paragraph 43 of Plaintiffs' First Amended Complaint.

44. As to paragraph 44 of Plaintiffs' First Amended Complaint, the answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations and on that basis denies the allegations contained in paragraph 44 of Plaintiffs' First Amended Complaint.

45. As to paragraph 45 of Plaintiffs' First Amended Complaint, the answering Defendant admits that no surveillance video footage is in his possession and Plaintiffs' counsel has been informed of same. Further answering, the Defendant denies the remaining allegations contained in paragraph 45 of Plaintiffs' First Amended Complaint.

46. As to paragraph 46 of Plaintiffs' First Amended Complaint, the answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations and on that basis denies the allegations contained in paragraph 46 of Plaintiffs' First Amended Complaint.

47. As to paragraph 47 of Plaintiffs' First Amended Complaint, the answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations and on that basis denies the allegations contained in paragraph 47 of Plaintiffs' First Amended Complaint.

48. The answering Defendant denies each and every allegation contained in paragraph 48 of Plaintiffs' First Amended Complaint not specifically admitted herein as true.

49. The answering Defendant denies the allegations contained in paragraph 49 of Plaintiffs' First Amended Complaint.

50. The answering Defendant denies the allegations contained in paragraph 50 of Plaintiffs' First Amended Complaint.

51. The answering Defendant denies the allegations contained in paragraph 51 of Plaintiffs' First Amended Complaint.

52. The answering Defendant denies the allegations contained in paragraph 52 of Plaintiffs' First Amended Complaint.

53. The answering Defendant denies the allegations contained in paragraph 53 of Plaintiffs' First Amended Complaint.

54. The answering Defendant denies each and every allegation contained in Plaintiffs' First Amended Complaint not specifically admitted herein as true.

**FIRST DEFENSE:**

55. Plaintiffs' First Amended Complaint fails to state a claim upon which relief can be granted.

**SECOND DEFENSE:**

56. Plaintiffs have or may have failed to exhaust all administrative remedies.

**THIRD DEFENSE:**

57. Plaintiffs' conduct, in whole or in part, bars Plaintiffs' claims for relief.

**FOURTH DEFENSE:**

58. Plaintiffs' First Amended Complaint is barred, in whole or in part, by the doctrine of consent.

**FIFTH DEFENSE:**

59. Plaintiffs' claims against the answering Defendant are expressly subject to, barred or limited by the provisions of Ohio's Political Subdivision Tort Immunity Statute, Ohio Revised Code Chapter 2744.



**SIXTH DEFENSE:**

60. Plaintiffs' claims for damages may be barred, in whole or in part, by prior to subsequent intervening or superseding acts, omissions or causes, and/or by the acts or omissions of individuals or entities over whom this Defendant had no control or right of control.

**SEVENTH DEFENSE:**

61. Plaintiffs' claims may be barred, in whole or in part, by a failure to mitigate damages.

**EIGHTH DEFENSE:**

62. Plaintiffs' claims may be barred by her failure to join any party or parties under Rule 19 and/or 19.1.

**NINTH DEFENSE:**

63. Plaintiffs' claims may be barred, in whole or in part, by a lack of capacity and/or standing to seek the relief for which they pray, or because this matter as brought is non-justifiable.

**TENTH DEFENSE:**

64. The answering Defendant is entitled to immunity, including statutory, absolute, and qualified immunity, and also immunity from punitive damages.

**ELEVENTH DEFENSE:**

65. The answering Defendant is entitled to a setoff of damages and/or limitation of damages pursuant to statute.

**TWELFTH DEFENSE:**

66. Plaintiffs' First Amended Complaint fails to state facts sufficient to entitle Plaintiffs to an award of punitive damages against the answering Defendant.

**THIRTEENTH DEFENSE:**

67. Plaintiffs' claims are barred by the applicable statute of limitations.

**FOURTEENTH DEFENSE:**

68. Plaintiffs' claims for punitive damages cannot be sustained because the conduct of the answering Defendant did not show complete indifference to or conscious disregard for the safety of others.

**FIFTEENTH DEFENSE:**

69. Plaintiffs are barred from relief because the answering Defendant acted in good faith.

**SIXTEENTH DEFENSE:**

70. Plaintiffs are barred from relief because the answering Defendant acted lawfully at all times.

**SEVENTEENTH DEFENSE:**

71. Plaintiffs' claims against the answering Defendant are expressly subject to, barred or limited by the provisions of the Prison Litigation Reform Act (PLRA), 42 U.S.C. §1997e.

72. Plaintiffs' claims may be impacted by the PLRA, including any authorization of attorney's fees.

**EIGHTEENTH DEFENSE:**

73. The answering Defendant hereby gives notice that he intends to rely upon and utilize any other affirmative defenses that might become available or apparent during the course of discovery and hereby reserves the right to amend this Answer to assert such defense or defenses.

**WHEREFORE**, Defendant Charles Drennen demands that Plaintiffs' claims against this Defendant be dismissed in their entirety and with prejudice.

Respectfully Submitted,

s/Daniel T. Downey  
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Angelica M. Jarmusz (0092249)  
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*Attorneys for Defendant Charles Drennen*

**JURY DEMAND**

Defendant hereby demands a trial by jury on all issues herein triable.

s/Daniel T. Downey  
Daniel T. Downey (0063753)  
**FISHEL HASS KIM ALBRECHT DOWNEY LLP**  
*Attorney for Defendant Charles Drennen*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was served this 16th day of November, 2016 through the Court's electronic filing system. Notice of this filing will be sent to all registered parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/Daniel T. Downey  
Daniel T. Downey (0063753)  
**FISHEL HASS KIM ALBRECHT DOWNEY LLP**  
*Attorney for Defendant Charles Drennen*

